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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,071	07/13/2005	Reinhold Ott	40770-000167/US	9681
30593 7590 10/26/2007 HARNESSE, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			EXAMINER PREVIL, DANIEL	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 10/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,071

Applicant(s)

OTT, REINHOLD

Examiner

Daniel Previl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-34 is/are allowed.
- 6) ☒ Claim(s) 35-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communication filed on August 07, 2007.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 35-45, 52-58, 61-67, are rejected under 35 U.S.C. 102(b) as being anticipated by D'Angelo et al. (US 6,133,830).

Regarding claim 35, D'Angelo discloses device for protecting a commercial product against theft (abstract) comprising: a security unit (theft detector 21 in fig. 3; col. 11, line 17) including an on-state mode in which a receiver housed in the security unit is activated (fig. 3; col. 3, lines 18-20) wherein the receiver is deactivated in connect mode (armed in col. 11, line 22) of the security unit (fig. 3; col. 11, line 22).

Regarding claims 36, 39, D'Angelo discloses wherein the security unit includes a monitoring mode, in which a theft attempt will result in the security unit shifting to an alarm mode, and wherein, in the monitoring mode, the receiver is deactivated, and activated in the alarm mode (col. 11, lines 17-67).

Regarding claims 37, 40, D'Angelo discloses wherein the security unit is preparable, in the connect mode for a shift to the monitoring mode (col. 11, lines 18-67).

Regarding claims 38, 45, D'Angelo discloses a device for protecting a product against theft (abstract), comprising: a security unit connected to a central unit

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via connectors (fig. 3-fig. 4), the central unit including a connect mode (armed in col. 11, line 22) and an on-state mode (col. 11, lines 15-24), a receiver housed in the central unit being activated in the on-state mode and being deactivated in the connected mode (col. 11, lines 15-67).

Regarding claims 41-44, 52-54, 56-58, 63-67, D'angelo discloses wherein the security unit includes a bracket component for attachment to the product (col. 7, lines 1-3).

Regarding claim 55, D'Angelo discloses capacitive sensors (col. 4, lines 55-6).

Regarding claim 61, D'Angelo discloses wherein the receiver is housed in at least one of the mounting component and the central unit (fig. 3).

Regarding claim 62, D'Angelo discloses wherein a battery chamber is provided in at least one of the mounting component and the central unit (col. 6, lines 56-58).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 46-51, 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Angelo in view of Soleimani (US 4,804,943).

Regarding claim 46, D'Angelo discloses all the limitations set forth in claim 35 but fails to explicitly disclose wherein a transmitter designed as a remote operation system, is provided for impinging upon the receiver.

However, Soleimani discloses a transmitter designed as a remote operation system is provided for impinging upon the receiver (fig. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Soleimani's transmitter impinging upon the transmitter into D'Angelo's system in order to rapidly alert the authorities or the owner that his/her valuable belonging has been stolen for immediate recovery thereby improving the security of the system.

Regarding claim 47, D'Angelo discloses wherein at least one of the security unit and the central unit includes a volatile memory for storing a selection signal (fig. 1; col. 4, lines 29-47).

Regarding claim 48, D'angelo discloses at least one of optical and acoustic signal generators (siren in col. 6, lines 5-58)..

Regarding claims 49-50, D'angelo discloses "light emitting diodes and piezoelectric transducers" (col. 7, lines 33-37).

Regarding claims 51, 59-60, D'Angelo discloses a housing of at least one of the security unit and the central unit is at least partially translucent or transparent (adhesive in col. 2, lines 21-26).

5. Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Angelo et al. in view of Carruthers, II (US 5,331,306).

Regarding claim 68, D'Angelo discloses all the limitations set forth in the claim 43 but fails to specify wherein the mounting component and the bracket component are coupleable via a magnet.

However, Carruthers discloses wherein the mounting component and the bracket component are coupleable via a magnet (fig. 1; col. 2, lines 25-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a Carruthers's magnet into D'Angelo's system in order to permit an efficient mounting of the system thereby improving the performance of the system.

Allowable Subject Matter

6. Claims 1-34 are allowed.
7. The following is a statement of reasons for the indication of allowable subject matter: In combination with all the limitations in the claim, the prior arts fail to teach or make obvious: shifting the security unit from the on-state mode to a connect mode for connecting the commercial product to the security unit, the shifting occurring when the receiver is impinged upon by a transmitter.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matsudaira (US 6,043,744) discloses antitheft system.

Ireland et al. (US 7,015,814) discloses security tag.

Olah (US 5,396,218) discloses a portable security system using communicating cards.

Drori (US 5,650,774) discloses electronically programmable remote control access system.

Farrar et al. (US 4,686,513) discloses electronic surveillance using self-powered article attached tags.

Russo et al. (US 5,640,144) discloses an RF/ultrasonic separation distance alarm.

Shaughnessy (US 4,027,276) discloses transmitter for a coded electronic security system.

Enkelmann (US 4,851,815) discloses a device for the monitoring of objects and/or persons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is (571) 272-2971. The examiner can normally be reached on Monday-Thursday. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel WU can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel Previl
Examiner
Art Unit 2612

DP
October 21, 2007.